

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

LARRY LEE O'DONNELL  
TX-1329857-R

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DOCKETED COMPLAINT NO. 09-156

**AGREED FINAL ORDER**

On this the 21<sup>st</sup> day of May, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Larry Lee O'Donnell, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Larry Lee O'Donnell neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Larry Lee O'Donnell is a state certified residential real estate appraiser, holds certification number TX-1329857-R, and has been certified by the Board during all times material to this complaint.

2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.

3. Respondent appraised real property located at 7510 Holly Hill Drive, #147, Dallas, TX 75231 ("the property") on or about March 6<sup>th</sup>, 2009.

3. On or about March 27<sup>th</sup>, 2009, the Complainant, Jerome R. Gardner, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

4. On or about April 13<sup>th</sup>, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a. Respondent failed to comply with the Scope of Work Rule and failed to identify the client and other intended users of the appraisal;
- b. Respondent failed to identify and analyze the effect on use and value of economic supply and demand, and market area trends;
- c. Respondent failed to employ recognized methods and techniques in his sales comparison approach correctly and did not collect, verify, analyze and reconcile comparable sales data adequately;
- d. Respondent failed to reconcile the quality and quantity of the data within the approaches used;

## **CONCLUSIONS OF LAW**

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Scope of Work Rule; USPAP Standards: 1-2(h) & 2-2(b)(viii); 1-2(a) & 2-2(b)(i); 1-3(a) & 2-2(b)(viii); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and 2-1(a),

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Advance Residential Applications and Case Studies; and
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in

each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

**ANY SUCH SUSPENSION** SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

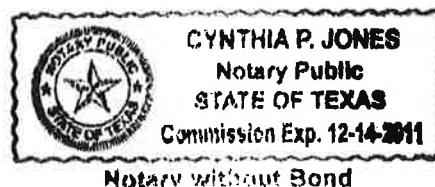
Signed this 12<sup>th</sup> day of May, 2010.

  
LARRY LEE O'DONNELL

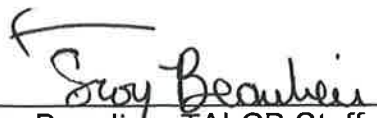
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 12<sup>th</sup> day of May, 2010, by LARRY LEE O'DONNELL, to certify which, witness my hand and official seal.

  
Notary Public Signature

Cynthia Jones  
Notary Public's Printed Name




Signed by the Standards and Enforcement Services Division this 25<sup>th</sup> day of May, 2010.

  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 21 day of May, 2010.

  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21<sup>st</sup> day of May, 2010.

  
James B. Ratliff, Chairperson  
Texas Appraiser Licensing and Certification Board